

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

PLANET BINGO, LLC, a California limited
liability company,

Plaintiff,

v.

ELECTRONIC GAME SOLUTIONS, INC., a
Pennsylvania corporation,

Defendant.

Case No. 4:09-cv-14777-MAG-DAS

Hon. Mark A. Goldsmith

**ORDER RE: PLAINTIFF'S MOTION TO MODIFY SCHEDULING ORDER OR,
ALTERNATIVELY, FOR CLARIFICATION OF SCHEDULING ORDER RE: NON-
PARTY DISCOVERY**

The Court, having considered Plaintiff's Motion to Modify Scheduling Order or, Alternatively, for Clarification of Scheduling Order re: Non-Party Discovery (the "Motion"), filed on September 29, 2010, the papers in support thereof, the opposition by Defendant Electronic Game Solutions, Inc. thereto, and after conducting hearings on the Motion on November 29, 2010 and December 9, 2010, and for good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's Motion is GRANTED IN PART.

IT IS FURTHER ORDERED that counsel for the parties, along with counsel for non-party Big Trak Technologies, LLC, shall conduct a telephonic conference by December 17, 2010 to discuss reaching an agreement on the production of documents sought by Plaintiff as part of "Phase I" discovery, as set forth in the Court's June 24, 2010 Scheduling Order and the parties' Joint 26(f) Report. In the event that counsel are not able to work out all of their differences, then IT IS FURTHER ORDERED as follows:

- a. Plaintiff shall file a Motion to Compel by January 5, 2011;
- b. Any Opposition to the Motion to Compel shall be filed by January 14, 2011;
- c. Any Reply in support of the Motion to Compel shall be filed by January 18, 2010;
and
- d. A hearing on any Motion to Compel shall be held on January 20, 2011 at 2:00 PM,
600 Church Street, Flint, Michigan.

IT IS FURTHER ORDERED that any Phase I depositions of non-parties Mike Kerr, Javier Rios, Randy Von Drasek, and BigTrak Technologies, LLC shall be completed by February 11, 2011.

SO ORDERED.

Dated: December 10, 2010

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 10, 2010.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager